

Please type a plus sign (+) inside this box → ☐PTO/SB/05 (11-00)  
Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	PT-1858001
First Inventor	Bernard Charles Sherman
Title	Emulsion Preconcentrate Comprising A Cyclosporin and Acetylated Monoglyceride
Express Mail Label No.	

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 16]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ]
5. ☐ Oath or Declaration [Total Pages 1]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 09,403,660

Prior application information:

Examiner Vickie Kim

Group Art Unit: 1615

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	23607 (Insert Customer No. or Attach bar code label here)		or	<input checked="" type="checkbox"/> Correspondence address below
Name	Ivor M. Hughes, Barrister & Solicitor, Patent & Trademark Agents			
Address	175 Commerce Valley Drive West Suite 200			
City	Thornhill	State	Ontario	Zip Code L3T 7P6
Country	Canada	Telephone	(905) 771-6414	Fax 771-6420

Name (Print/Type)	Neil H. Hughes, P.Eng.	Registration No. (Attorney/Agent)	33,636
Signature	[Signature]		Date Feb. 15/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL  
for FY 2001**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$)**980.00****Compl te if Known**

Application Number	
Filing Date	
First Named Inventor	Bernard Charles Sherman
Examiner Name	Vickie Kim
Group Art Unit	1615
Attorney Docket No.	PT-1858001

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	08-3255
Deposit Account Name	Ivor M. Hughes

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	\$710-
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

**SUBTOTAL (1)** (\$)**710.00****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
12	-20** = 0	\$18-	0
2	-3** = 0	\$80-	0
Multiple Dependent		\$270-	\$270-

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)**270.00**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Code	Large Entity Fee (\$)	Small Entity Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

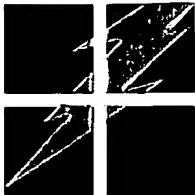
\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**SUBMITTED BY**

Name (Print/Type)	Neil H. Hughes, P. Eng.	Registration No. (Attorney/Agent)	33,636	Complete (if applicable)	Telephone	(905) 771-6414
Signature				Date	Feb. 15, 2001	

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



**Ivor M. Hughes**

*Barrister & Solicitor*

*Patent & Trade Mark Agents  
Canada, United States*

*Barrister & Solicitor  
Ivor M. Hughes*

*Patent Agents  
Neil H. Hughes, P.Eng.  
Marcelo K. Sarkis, P.Eng.*

*Counsel  
Alfred Schorr*

Our Ref.: PT-1858001

February 15, 2001

**Via Courier**

The Commissioner of Patents  
UNITED STATES PATENT OFFICE  
2011 South Clark Place  
Crystal Plaza 2, Room 1B02  
Arlington, Virginia, U.S.A. 22202



Dear Sir:

Re: Continuation Application Of Parent  
Application Serial No. 09/403,660  
of Bernard Charles Sherman  
for EMULSION PRECONCENTRATE COMPRISING A CYCLOSPORIN  
AND ACETYLATED MONOGLYCERIDE  
**CUSTOMER NO. 23607**

---

Please find enclosed herewith the following documentation for filing a continuation application under 37 CFR 1.53(d), claiming priority from co-pending parent Application Serial No. 09/403,660 with the Commissioner:

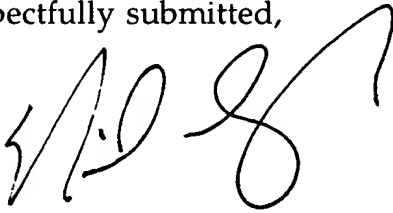
- (a) Utility Patent Application Transmittal;
- (b) Fee Transmittal for FY 2001;
- (c) Request for Filing a Continuation Application under 37 CFR 1.53(b);
- (d) Copy of Disclosure of United States Patent Application Serial No. 09/403,660 as originally filed;
- (e) Copy of Claims 1-14 of United States Patent Application Serial No. 09/403,660 as originally filed;
- (f) Copy of Declaration, Power of Attorney and Petition;
- (g) Copy of Power of Attorney;
- (h) Preliminary amendment, including new Claims 15-21.

Enclosed along with this material please find a cheque in the amount of **\$980.00 U.S. dollars** which includes \$710.00 for the base filing fee of a large entity and \$270.00 for multiple dependent claims. If there is any deficiency or surplusage of the fees enclosed for filing this Application, please obtain any such deficiency or credit the surplusage to Deposit Account 08-3255 and advise Applicants' Agent.

Also enclosed herewith is a stamped, self-addressed acknowledgment of receipt card which we request that you kindly acknowledge and return to this office at the earliest opportunity.

We thank the Commissioner for his cooperation in this regard and look forward to receiving filing data in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'N.H. Hughes', with a large, sweeping flourish at the end.

Neil H. Hughes, P.Eng.  
Registration No. 33,636  
Agent for Applicant

NHH:mse  
Enclosures

# REQUEST FOR FILING PATENT APPLICATION UNDER 37 CFR 1.53(b)

ATTORNEY'S DOCKET NUMBER <b>PT-1858001</b>	ANTICIPATED CLASSIFICATION OF THE APPLICATION:		PRIOR APPLICATION <b>09/403,660</b>	
CUSTOMER NO. <b>23607</b>	CLASS	SUBCLASS	EXAMINER <b>Vicki Kim</b>	ART UNIT <b>1615</b>



Address to:  
Commissioner of Patents and Trademarks:  
Washington, D.C. 20231

#3 1/2 / aa

This is a Request for filing:

☒ **A Continuation**  
☐ **A Divisional**

application under 37 CFR 1.53(b) of pending prior application Number **09/403,660** filed on **October 27, 1999** entitled **EMULSION PRECONCENTRATE COMPRISING A CYCLOSPORIN AND ACETYLATED MONOGLYCERIDE**

1. Enclosed is a copy of the latest inventor signed prior application, including the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the attached papers are a true copy of the latest inventor signed prior application number **09/403,660**, and that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein, and further that all statements made herein of my own knowledge are true; and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)					
FOR:	No. filed	No. extra	Fee for small entity Rate Fee		OR	Fee for other than small entity Rate Fee	
Basic fee				\$355	OR		\$710.00
Total claims	8-20=	( 0 )	x9=	\$	OR	0-x 18=	\$ 0
Independent claims	2-3=	( 0 )	X40=	\$	OR	0-X 80=	\$ 0
[ ] Multiple Dependent Claim Presented			+135 =	\$	OR	+270=	\$270.00
Total				\$	OR	Total	\$980.00

\*If the difference in Column 1 is less than zero, enter "0" in Column 2.

2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27.
- ☐ is enclosed.
- ☐ was filed in prior application number \_\_\_\_\_ and such status is still proper and desired (37 CFR 1.28(a)).
3. ☒ The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to **Deposit Account No. 08-3255**. A duplicate copy of this sheet is enclosed.
4. ☒ A cheque in the amount of **\$980.00** is enclosed.
5. ☒ Cancel in this application original **claims 2 to 14** of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. ☒ The inventor(s) of the invention being claimed in this application is **BERNARD CHARLES SHERMAN**.
7. ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.53(b), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventor(s) of the invention being claimed in this application \_\_\_\_\_.
8. ☐ Amend the specification by inserting before the first line the sentence:

*Ca'*

"This application is a ☒ continuation  
[ ] divisional  
of application Number **09/403,660** filed **October 27, 1999** (status:  
**Pending**)."

9. ☐ New formal drawings are enclosed.
10. ☐ Priority of application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior application number \_\_\_\_\_, filed \_\_\_\_\_.
11. ☒ A preliminary amendment is enclosed.
12. ☐ The prior application is assigned of record to \_\_\_\_\_.
13. ☐ Also enclosed \_\_\_\_\_.
14. The power of attorney in the prior application is to: **Ivor M. Hugh s, R g. No. 27,759, N il H. Hugh s, R g. No. 33,636 and Marcelo K Sarkis, Reg No 37,015 of IVOR M HUGHES**

- a. ☐ The power of attorney appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Address all future correspondence to:  
**Ivor M. Hughes**  
**Barrister & Solicitor**  
**Patent & Trade Mark Agents**  
**175 Commerce Valley,**  
**Drive West, Suite 200**  
**Thornhill, Ontario**  
**Canada**  
**L3T 7P6**

Telephone No. (905) 771-6414  
Facsimile No. (905) 771-6420

February 15, 2001  
(date)

  
(Signature)

Neil H. Hughes  
(Typed or printed name)

33,636  
(Registration Number)

- ☒ attorney or agent of record  
☐ Filed under 37 CFR 1.34(a)